

## ORDINANCE 2017-20

### ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 665, TREES AND CHAPTER 490, PLANNING AND DEVELOPMENT REGULATIONS AMEND REQUIREMENTS RELATING TO TREES LOCATED ON BOROUGH PROPERTY AND IN BOROUGH RIGHT-OF-WAYS

Councilman Yngstrom offered the following ordinance and moved its adoption on final reading:

**BE IT ORDAINED** by the Governing Body of the Borough of Red Bank, County of Monmouth, State of New Jersey, that Chapter 665, Trees and Chapter 490, Planning and Development Regulations of the Borough's Revised General Ordinances is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

#### **Section 490-81D. Shade Trees**

(1) In each ~~subdivision of land~~ non-exempt development application, the developer shall plant between the sidewalk and right-of-way line proper shade and/or decorative trees of a type, size and in a location approved by Municipal Agency ~~Department of Public Utilities and the Borough Engineer~~ at a maximum distance of 50 feet between trees. The minimum distance between such trees planted shall be 40 feet. Planting sites shall be indicated on the ~~final plat development plan~~. ~~Such plantings shall not be required within sight easements as required elsewhere herein.~~ The total number of shade trees required for each non-exempt development application shall be one tree per each 50' of lot frontage on a public right-of-way with any fractional requirements rounded up. For example, a development application with 51' of lot frontage requires two shade trees. This requirement can be met through any combination of existing shade trees, new shade trees, or through the posting of a \$500 per tree fee into the Red Bank Shade Tree Trust Fund, as approved by the Municipal Agency. Any required postings into the Shade Tree Trust Fund shall be made prior to the issuance of a Development Permit. All non-exempt development applications shall be forwarded to the Borough Shade Tree Committee for their review and recommendation to the Municipal Agency.

(2) All trees planted in accordance with the provisions of this section shall be placed in a proper manner and in a good grade of topsoil and within the area of the tree well at the point where the tree is planted. In the event that any individual person or group of individual persons desire to plant a tree or trees in a tree well or within the jurisdiction of the Borough Department of Public Utilities, such person or persons may do so, provided that they conform to the provisions of this chapter, and further provided that permission of the Shade Tree Committee or the Director of the Department of Public Utilities or his/her designee is obtained.

(3) All shade trees to be hereafter planted in accordance with this chapter shall be nursery grown, or of substantially uniform size and shape, and shall have straight trunks. Ornamental trees need not have straight trunks, but must conform in all other respects with the provisions for trees and tree plantings outlined in this chapter.

(4) All trees planted pursuant to this chapter shall be planted in a dormant state or at other times only subject to the approval of the Shade Tree Committee or the Director of the Department of Public Utilities or his/her designee.

(5) Subsequent or replacement plants shall conform to the type of existing trees in a given area, provided that if any deviation is anticipated, it must be done only with the permission of the Shade Tree Committee or the Director of the Department of Public Utilities or his/her

~~designee. In a newly planted area, only one type of tree may be used on a given street, unless otherwise specified.~~

(6) A hole in which a tree is to be planted shall be in each case 1/3 larger in width and in depth than the existing root ball of the particular tree to be planted. The hole for a tree to be planted shall contain proper amounts of topsoil and peat moss, but no chemical fertilizer shall be added until the tree has been planted for one year.

(7) All shade trees shall be planted in accordance with the landscaping requirements of the Standard Specifications

**New Section 665-4                      Shade Tree Trust Fund**

There is hereby established a Shade Tree Trust Fund which shall receive contributions in accordance with Section 490-81C of the Borough Code. The Shade Tree Trust Fund shall be administered in accordance with applicable Local Government Finance Laws and be used solely for the purpose of planting shade trees on public property within the Borough of Red Bank. The Red Bank Shade Tree Committee shall administer the Shade Tree Trust Fund and determine the location of shade trees to be planted and the type, size and methods of shades trees to be planted utilizing the Trust Fund, subject to the review and approval of the Borough Council.

**BE IT FURTHER ORDAINED** that a copy of this Ordinance, upon introduction, shall be provided to all appropriate municipal agencies for their review and comment pursuant to applicable New Jersey Statutes.

**BE IT FURTHER ORDAINED** that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

**BE IT FURTHER ORDAINED** that, if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect immediately upon its passage and adoption according to law.

Seconded by Councilman Zipprich and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Yngstrom	( x )	(   )	(   )	(   )
Councilman Zipprich	( x )	(   )	(   )	(   )
Councilwoman Horgan	( x )	(   )	(   )	(   )
Councilwoman Schwabenbauer	( x )	(   )	(   )	(   )
Councilman Taylor	( x )	(   )	(   )	(   )
Councilman Whelan	( x )	(   )	(   )	(   )

Dated: August 9, 2017